

REMARKS

Applicants have carefully considered the January 28, 2008 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance.

In response to the Office Action dated January 28, 2008, claims 1, 13, 18, 23, and 24 have been amended. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure including pages 19-25, for example. Applicants submit that the present Amendment does not generate any new matter issue. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

Claim 24 was rejected under the second paragraph of 35 U.S.C. § 112. With regard to claim 24, Applicants have amended the phrase “said assisting dopant” to “a second assisting dopant” to provide proper antecedent support. Accordingly, one having ordinary skill in the art would not have difficulty understanding the scope of the presently claimed invention, particularly when reasonably interpreted in light of the supporting specification. Therefore, it is respectfully submitted that the imposed rejection under 35 U.S.C. § 112, second paragraph is not legally viable and hence, Applicants solicit withdrawal thereof.

Claims 16, 18 and 21-23 and 27 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Mishima et al. (U.S. Pat. App. Pub. No. 2001/0053462, hereinafter “Mishima”).

Claims 1, 4, 7, 9-14, 16 and 18-27 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Mishima.

These rejections are traversed, and reconsideration and withdrawal thereof respectfully requested.

Mishima does not anticipate or render obvious the claimed electroluminescent device at least because Mishima does not disclose or suggest the long wavelength light emitting layer includes a first host material and a first phosphorescent material, wherein the first host material is an anthracene derivative or an iridium complex, as required by claims 1, 13, 18, and 23.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the disclosure in a single reference of each element of a claimed invention. *Helifix Ltd. v. Blok-Lok Ltd.*, 208 F.3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994); *Hoover Group, Inc. v. Custom Metalcraft, Inc.*, 66 F.3d 399, 36 USPQ2d 1101 (Fed. Cir. 1995); *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). Because Mishima does not disclose or suggest that the long wavelength light emitting layer includes a first host material and a first phosphorescent material, wherein the first host material is an anthracene derivative or an iridium complex, as required by claims 18 and 23, Mishima does not anticipate claims 18 and 23.

Obviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge readily available to one of ordinary skill in the art. *In re Kotzab*, 217 F.3d 1365, 1370 55 USPQ2d 1313, 1317 (Fed. Cir. 2000); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). There is no suggestion in Mishima to modify the long wavelength light emitting layer such that it includes a first host material and a first phosphorescent material, wherein the first host material is an anthracene derivative or an iridium

complex, as required by claims 1, 13, 18, and 23, nor does common sense dictate the Examiner-asserted modification. The Examiner has not established that there would be any obvious benefit in making the asserted modifications of Mishima to obtain the claimed organic electroluminescent device. *See KSR Int'l Co. v. Teleflex, Inc.*, 500 U.S. \_\_\_\_ (No. 04-1350, April 30, 2007) at 20.

The only teaching of the claimed organic electroluminescent device found in Applicants' disclosure. However, the teaching or suggestion to make a claimed combination and the reasonable expectation of success must not be based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The dependent claims are allowable for at least the same reasons as the respective independent claims from which they depend and further distinguish the claimed organic electroluminescent devices.

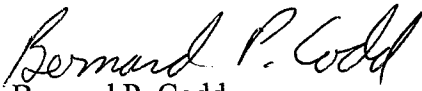
In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

**Application No.: 10/809,804**

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Bernard P. Codd

Registration No. 46,429

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 BPC:idw  
Facsimile: 202.756.8087  
**Date: May 28, 2008**

**Please recognize our Customer No. 20277  
as our correspondence address.**